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Feb 11, 2008

**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**

EXHIBITS and no copies

**08CV939
JUDGE GOTTSCHALL
MAGISTRATE JUDGE COX**

To Clerk - of - Court
Inclosed - are - All - Court
Proceeding - IN - The
Cook - County - Circuit
Court - for - the Judge
From - Fed - 27th - 2004
UNTIL - Fed - 4th - 2005

THANK - YOU - MUCH
THIS - IS - FOR - The
Judge - OF - COURT

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT-CRIMINAL DIVISION

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS)
8 vs.) No. 04-CR-5900
9 DWAYNE GRIFFIN)

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13 REPORT OF PROCEEDINGS at the
14 hearing of the above-entitled cause, before the
15 Honorable JOSEPH M. CLAPS, on the 19th day of
16 March 2004.

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22 Annette M. Golab, CSR
23 Official Court Reporter
24 CSR No. 084-001693
2650 South California Avenue
Chicago, Illinois 60608

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Date of Hearing: March 19, 2004

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PROCEEDINGS

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Assignment

A-3

1 THE COURT: Dwayne Griffin, Judge Sullivan 3/26.

2

3 (The above cause was continued to

4 9:00 a.m., March 26, 2004.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF C O O K)
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5 I, ANNETTE M. GOLAB, an Official Court
6 Reporter in the Circuit Court of Cook County, County
7 Department, Criminal Division, do hereby certify
8 that I reported in shorthand the proceedings had at
9 the hearing of the aforementioned cause; that I
10 thereafter caused the foregoing to be transcribed,
11 which I hereby certify to be a true and accurate
12 transcript of the proceedings had before the
13 Honorable JOSEPH M. CLAPS, Judge of said Court.
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19 Annette M. Golab
Official Court Reporter
20

21 Dated this 23rd day
22 of May 2005.
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1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

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4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 THE PEOPLE OF THE
7 STATE OF ILLINOIS, }
8 Plaintiff, }
9 vs. } No. 04 CR 5900
10 DWAYNE GRIFFIN, }
11 Defendant. }

12 REPORT OF PROCEEDINGS on the hearing
13 had before the HONORABLE SHELLEY SUTKER-DERMER
14 on the 26th day of March, 2004, in Skokie,
15 Illinois.

16 APPEARANCES:

17 HON. RICHARD A. DEVINE,
18 State's Attorney of Cook County, by
19 MS. ANJANA HANSEN,
20 Assistant State's Attorney,
21 appeared for the People;

22 HON. EDWIN A. BURNETTE,
23 Public Defender of Cook County, by
24 MS. ANN BURAN,
25 Assistant Public Defender,
26 appeared for the Defendant.

27 Krista Flynn Burgeson, CSR
28 Official Court Reporter
29 5600 Old Orchard Road, #204
30 Skokie, Illinois 60077
31 License No. 084-003162

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I N D E X

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5 **CASE: People vs. Dwayne Griffin**

6 **NUMBER: 04 CR 5900**

7 **DATE: March 26, 2004**

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15 **PROCEEDINGS**

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17 **PAGES: B-1 through B-5**

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22 **Krista Flynn Burgeson, CSR**
23 **Official Court Reporter**
24 **5600 Old Orchard Road, #204**
Skokie, Illinois 60077
License No. 084-003162

1 THE CLERK: Dwayne Griffin, Sheet Number

2 2.

3 Dwayne Griffin?

4 THE SHERIFF: Not in custody.

5 THE COURT: No response.

6 I am tendering a copy of the
7 preliminary hearing to the Assistant State's
8 Attorney.

9 Apparently he is out on bond.
10 Well, I am not sure if he is out on bond. Why
11 do you say that? Do you say that because --

12 THE CLERK: He is not --

13 THE COURT: Bond was \$150,000 D.

14 THE CLERK: All I am saying is he is not in
15 custody and --

16 THE COURT: Custody check.

17 \$115,000? I don't think he
18 posted it. Let's check.

19 Pass it.

20 (Whereupon, the above-mentioned
21 case was passed and was later
22 recalled as follows:)

23 THE CLERK: Recalling Dwayne Griffin.

24 The defendant is in custody.

1 THE COURT: State, can you writ him in?

2 MS. HANSEN: Yes.

3 THE COURT: If there is a Mitt for today
4 you can bring him in. You can write a --
5 correct? If he is not brought in by the jail
6 you can write a Mitt and bring him in.

7 THE CLERK: Yes.

8 THE COURT: Let me just make sure there is
9 something indicated that he is supposed to be
10 here today. Okay.

11 So, you can issue a Mitt, or a
12 corrected Mitt?

13 THE CLERK: Yes.

14 THE COURT: Corrected Mitt to issue.

15 Can we get him Monday? Is she
16 back on Monday?

17 MS. HANSEN: Yes.

18 THE COURT: Monday, March 29th. Order of
19 Court.

20 (Which were the proceedings
21 had in the above-entitled
22 cause, and the matter was
23 continued to March 29th,
24 2005.)

1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 I, KRISTA FLYNN BURGESSON,
7 Official Court Reporter of the Circuit Court
8 of Cook County, County Department - Second
9 Municipal District, do hereby certify that I
10 reported in shorthand the proceedings had of
11 the hearing in the aforementioned cause; that
12 I thereafter caused the foregoing to be
13 transcribed into typewriting, which I hereby
14 certify to be a true and accurate transcript
15 of the Report of Proceedings had before the
16 HONORABLE SHELLEY SUTKER-DERMER, Judge of said
17 Court.

18
19 *Krista Flynn Burgess*
20 _____
21 Krista Flynn Burgess, CSR
22 Official Court Reporter
23 5600 Old Orchard Road, #204
24 Skokie, Illinois 60077
 License No. 084-003162

Dated this 20th day of May, 2005.

STATE OF ILLINOIS)
) SS.
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT - CRIMINAL DIVISION
SECOND DISTRICT

THE PEOPLE OF THE)
STATE OF ILLINOIS) Case No. 04 CR 5900
)
 versus)
)
DWAYNE GRIFFIN)

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the
above-entitled cause came on for status before
the Honorable SHARON SULLIVAN, Judge of said
Court, on the 29th day of March, 2004.

APPEARANCES:

HON. RICHARD DEVINE,
State's Attorney of Cook County, by:
MS. STEPHANIE CALLAS,
Assistant State's Attorney,
on behalf of the People:

MARGO DEPHILLIPS
Official Court Reporter
5600 Old Orchard Road, Room 204
Skokie, IL 60077

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I N D E X

DATE OF HEARING: March 29, 2004

PAGES: 4

People of the State of Il. Vs Dwayne Griffin

Case No. 04 CR 5900

CONTINUANCE PAGE 3C

1 THE CLERK: Dwayne Griffin, 04 CR 5900.

2 This was up on March 26th. Someone found it. He
3 was in DuPage County.

4 MS. CALLAS: Judge, Sutker-Dermer had the
5 clerk issue a corrected mitt, because they had a
6 mitt for him, but his body wasn't here.
7 Actually, Jerry was the clerk at the time.
8 Sutker-Dermer asked us to do a corrected mitt.
9 Then she said if he didn't show up today to writ
10 him in from DuPage.

11 THE COURT: He apparently is in DuPage. You
12 need to either --

13 MS. CALLAS: Writ him in.

14 THE COURT: DuPage or Cook County.

15 (Which were all the proceedings
16 had in the above-entitled cause.)

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1 STATE OF ILLINOIS)

2 COUNTY OF COOK)

3

4 I, MARGO DEPHILLIPS, a Certified
5 Shorthand Reporter of the Circuit Court of Cook
6 County, Illinois, Department-County Division, do
7 hereby certify that I reported the proceedings
8 had in the above-entitled cause, that I
9 thereafter proceeded to transcribe the foregoing
10 transcript, which I hereby certify is a true and
11 correct Report of Proceedings.

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MARGO DEPHILLIPS
Court Reporter of the
Circuit Court of Cook
County, County Department.

1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 THE PEOPLE OF THE)
7 STATE OF ILLINOIS,)

8 Plaintiff,)

9 vs.)

10 No. 04 CR 05900

11 DWAYNE GRIFFIN,)

12 Defendant.)

13 REPORT OF PROCEEDINGS on the hearing had
14 before the HONORABLE SHARON M. SULLIVAN on the 30th
15 day of March, 2004, in Skokie, Illinois.

16 APPEARANCES:

17 HON. RICHARD A. DEVINE,
18 State's Attorney of Cook County, by
19 MS. ANJANA HANSEN,
20 Assistant State's Attorney,
21 appeared for the People;

22 HON. EDWIN A. BURNETTE,
23 Public Defender of Cook County, by
24 MS. ANN BURAN,
Assistant Public Defender,
appeared for the Defendant.

25 Krista Marie Flynn, CSR
26 Official Court Reporter
27 5600 Old Orchard Road, #204
28 Skokie, Illinois 60077
29 License No. 084-003162

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I N D E X

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PEOPLE vs. DWAYNE GRIFFIN

Case No.: 04 CR 05900

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Date: March 30, 2004

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PROCEEDINGS

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Pages: 1 through 22

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Krista Marie Flynn, CSR

23

Official Court Reporter

5600 Old Orchard Road, #204

24

Skokie, Illinois 60077

License No. 084-003162

1 THE CLERK: Dwayne Griffin, custody.

2 THE SHERIFF: Coming out.

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: Do you have an attorney?

5 THE DEFENDANT: I am proceeding pro se. I
6 don't want a Public Defender to represent me. I am
7 proceeding pro se.

8 THE COURT: You obviously know what it means,
9 but let me talk to you for a minute.

10 THE DEFENDANT: Yes, Ma'am.

11 THE COURT: Think for a minute. You are
12 charged with the offense of burglary.

13 THE DEFENDANT: Yes, Ma'am.

14 THE COURT: And this offense is a Class 2
15 felony. If you are found guilty of this offense
16 you could be sentenced to the penitentiary --

17 THE DEFENDANT: Yes, Ma'am.

18 THE COURT: -- (Continuing) -- for a period
19 of three and up to seven years.

20 THE DEFENDANT: Yes, Ma'am.

21 THE COURT: Hold on with the yes Ma'am's for
22 one second.

23 Any background that would make this
24 extendable or a Class X?

1 MS. HANSEN: This is a Class X sentencing,
2 Judge.

3 THE COURT: Because of background?

4 MS. HANSEN: Yes.

5 THE COURT: Because of your background, prior
6 convictions, you could be sentenced to the
7 penitentiary for six to 30 years.

8 THE DEFENDANT: Yes, Ma'am.

9 THE COURT: Plus three years of mandatory
10 supervised release.

11 THE DEFENDANT: Yes, Ma'am.

12 THE COURT: If you cannot afford an attorney,
13 the Court can appoint an attorney. You are
14 entitled to have one appointed to represent you.

15 Do you understand that?

16 THE DEFENDANT: Yes, Ma'am.

17 THE COURT: Have you ever been treated for any
18 psychological problems?

19 THE DEFENDANT: No, Ma'am.

20 THE COURT: Are you taking any medications?

21 THE DEFENDANT: No, Ma'am.

22 THE COURT: You understand that a lawyer who
23 would be appointed to represent you is someone who
24 has gone through law school, taken the bar exam,

1 and is familiar with practicing in these
2 courtrooms?

3 THE DEFENDANT: Yes, Ma'am.

4 THE COURT: You understand that if you
5 represent yourself that you would not have the
6 assistance of a lawyer but still held to follow the
7 Rules of Procedure and the Rules of Evidence?

8 THE DEFENDANT: Yes, Ma'am.

9 THE COURT: You understand that let's say you
10 wanted to try to get something into evidence and
11 there was a way to do it but you didn't know how
12 to do it you might not be able to get it into
13 evidence?

14 THE DEFENDANT: Yes, Ma'am.

15 THE COURT: You understand an attorney could
16 also discuss the case with the State and see if
17 there were any offers or any negotiating that could
18 be done on your behalf in terms of resolving the
19 case?

20 THE DEFENDANT: Yes, Ma'am. Yes, Ma'am.

21 THE COURT: And understanding all of these
22 things you wish to represent yourself?

23 THE DEFENDANT: Yes, Ma'am.

24 THE COURT: All right.

1 Then I will tender to you, sir, a copy
2 of the information, which is the charge that -- it
3 charges you with the offense of burglary from on or
4 about February 21, 2002. It alleges that you
5 committed this offense. And that you, without
6 authority, knowingly entered into a building, to
7 wit Blockbuster Video, 1303 North Milwaukee Avenue,
8 Chicago, Cook County, Illinois, with the intent to
9 commit the offense of theft therein.

10 Do you understand that is the charge
11 that is brought here today?

12 THE DEFENDANT: Yes, Ma'am.

13 THE COURT: And do you acknowledge a copy of
14 that information?

15 THE DEFENDANT: Yes, Ma'am.

16 THE COURT: Okay.

17 This time what type of plea are you
18 entering?

19 THE DEFENDANT: Not guilty.

20 THE COURT: Okay.

21 MS. HANSEN: Judge, I am tendering to the
22 defendant a copy of the State's motion which is --
23 which consists of two pages, our answer which is
24 two pages, an arrest report which consists of five

1 pages, a case report which consists of two pages,
2 the defendant's criminal history, as well as two
3 supplemental reports which are two pages each.

4 I am tendering that now to the
5 defendant.

6 THE COURT: Do you have a copy of what you just
7 tendered?

8 MS. HANSEN: In my file, yes.

9 THE COURT: Okay.

10 Mr. Griffin, do you acknowledge that
11 the State has just tendered that to you?

12 THE DEFENDANT: Yes, Ma'am.

13 THE COURT: Are you asking for any type of
14 receipt to be signed?

15 MS. HANSEN: Yes, Judge.

16 There is a receipt at the top. I
17 would just ask the defendant to sign on the bottom
18 to acknowledge that he received the discovery that
19 I have already stated.

20 THE COURT: Okay, sir.

21 THE DEFENDANT: Yes.

22 MS. HANSEN: Thank you.

23 THE COURT: The State will get a copy of the
24 preliminary hearing transcript for you on the --

1 Here is a copy actually.

2 MS. HANSEN: Tendering a copy of the
3 preliminary hearing then as well, Judge.

4 THE COURT: Okay.

5 And Mr. Griffin, I take it you are
6 seeking a date to look at all the materials that
7 have been tendered to you?

8 THE DEFENDANT: I am ready for trial, your
9 Honor.

10 THE COURT: You are ready for trial?

11 THE DEFENDANT: I am demanding trial.

12 THE COURT: You are ready to go to trial?

13 THE DEFENDANT: Ready to go to trial.

14 THE COURT: Which kind would you indicate, Jury
15 trial or bench trial?

16 THE DEFENDANT: Jury trial.

17 MS. HANSEN: Can we pass this so I can check on
18 what our term is from today's date?

19 Also, it is a burglary. We will have
20 to get a hold of a victim to come in.

21 THE COURT: Let's pass it to see what type of
22 trial date we can get.

23 THE DEFENDANT: Okay.

24 THE COURT: Pass.

1 (Whereupon, the above-mentioned
2 case was passed and was then
3 recalled as follows:)

4 THE CLERK: Dwayne Griffin. Dwayne Griffin,
5 recalled.

6 THE SHERIFF: Coming out.

7 THE COURT: You are Mr. Dwayne Griffin?

8 THE DEFENDANT: Yes, Ma'am.

9 THE COURT: Mr. Griffin, how old are you, sir?

10 THE DEFENDANT: 42.

11 THE COURT: And how far did you go in school,
12 sir?

13 THE DEFENDANT: Four years of college.

14 THE COURT: Did you graduate college?

15 THE DEFENDANT: Yes, Ma'am.

16 THE COURT: What year did you graduate college?

17 THE DEFENDANT: In '85.

18 THE COURT: What was your degree in?

19 THE DEFENDANT: Small industry services and
20 carpentry.

21 THE COURT: Did you take any post-college
22 courses?

23 THE DEFENDANT: Post college? What do you
24 mean?

1 THE COURT: Any advanced degrees?

2 THE DEFENDANT: Advanced as to what?

3 THE COURT: Did you go to law school, sir?

4 THE DEFENDANT: No, Ma'am.

5 THE COURT: Did you take any legal courses?

6 THE DEFENDANT: Paralegal.

7 THE COURT: You took paralegal courses?

8 THE DEFENDANT: Yes, Ma'am.

9 THE COURT: Which ones did you take?

10 THE DEFENDANT: Just a little course of going
11 through days of setting up things for the lawyers
12 and stuff like that. It wasn't really about a
13 certificate or anything. Just you go through it,
14 the procedures of a trial, how you set up trials
15 and stuff like that, evidence, stuff like that.

16 THE COURT: And where did you take that class
17 at?

18 THE DEFENDANT: At the school around the house,
19 around my house.

20 THE COURT: Where is that?

21 THE DEFENDANT: In Chicago.

22 THE COURT: Do you remember the name of that
23 school?

24 THE DEFENDANT: It is Orr.

1 THE COURT: Pardon me?

2 THE DEFENDANT: Orr, O-r-r.

3 THE COURT: Okay.

4 THE DEFENDANT: And your Honor, I want to ask
5 you something. This is important.

6 THE COURT: Yes.

7 THE DEFENDANT: After I was reviewing the
8 discovery, right, there are things missing out of
9 there such as a police report and --

10 THE COURT: We will get to that in just a
11 minute.

12 I am asking you certain questions to
13 make sure that if you represent yourself --

14 THE DEFENDANT: Yes, Ma'am.

15 THE COURT: (Continuing) -- that you know
16 what you are doing and that you are making a
17 knowing decision not to have an attorney
18 representing you.

19 THE DEFENDANT: Yes, Ma'am. Yes, Ma'am.

20 THE COURT: Have you ever been involved in any
21 other kind of legal proceedings.

22 THE DEFENDANT: I represented myself in the
23 Supreme Court.

24 THE COURT: When did you do that, sir?

1 THE DEFENDANT: Back in '98.

2 THE COURT: Any other legal proceedings you
3 were in?

4 THE DEFENDANT: I represented myself in 2001.

5 THE COURT: Where was that?

6 THE DEFENDANT: At the Appellate Court.

7 THE COURT: Okay.

8 THE DEFENDANT: I am still in the Supreme Court
9 right now.

10 THE COURT: All right.

11 Let me just read you a -- read to you
12 a couple things that a learned professor wrote
13 about if someone is going to represent themselves,
14 and you may know this, but I will read it.

15 THE DEFENDANT: A fool as a client?

16 THE COURT: Have you heard that one before?

17 THE DEFENDANT: Yes, yes.

18 THE COURT: An attorney who represents himself
19 has a fool as a client?

20 THE DEFENDANT: Yes, Ma'am.

21 THE COURT: This is different.

22 THE DEFENDANT: Okay.

23 THE COURT: It says, Professor LeFave in
24 Israel said that the trial court should inform a

1 defendant of the following: That presenting a
2 defense is not a simple matter of telling one's
3 story but requires adherence to various technical
4 rules governing the conduct of a trial; a lawyer
5 has substantial experience and training in trial
6 procedure and the prosecution will be represented
7 by an experienced attorney; a person unfamiliar
8 with legal procedures may allow the past prosecutor
9 an advantage by failing to make objections to
10 inadmissible evidence, may not make effective usage
11 of such rights as the voir dire of jurors, and may
12 make tactical decisions that produce unintended
13 consequences; the defendant proceeding pro se will
14 not be allowed to complain on appeal about the
15 competency of his representation.

16 Do you understand these things?

17 THE DEFENDANT: Yes, Ma'am.

18 THE COURT: Do you understand the effectiveness
19 of your defense may well be diminished by your dual
20 role as an attorney and an accused, and that you
21 will receive no special consideration from the
22 Court?

23 Do you understand that?

24 THE DEFENDANT: Yes, Ma'am.

1 THE COURT: Do you understand you will receive
2 no extra time for preparation or greater library
3 time, and that a lawyer can render important
4 assistance by determining the existence of a
5 possible defense to the charge against you, charges
6 against you, through consultation with the
7 prosecutor regarding possible reduced charges or
8 lesser penalties, and in the event of a conviction
9 by presenting to the Court matters which might lead
10 to a lesser sentence?

11 Do you understand these are some of
12 the things a lawyer can do?

13 THE DEFENDANT: Yes, Ma'am.

14 THE COURT: In the event the Court accepts your
15 decision to represent yourself you will not be
16 given an opportunity to change your mind during the
17 trial.

18 Do you understand that?

19 THE DEFENDANT: Yes, Ma'am.

20 THE COURT: So if we are in the middle of a
21 Jury trial and you say, Oh, Judge, I want a lawyer,
22 you will not --

23 THE DEFENDANT: No, Ma'am. I won't say that.

24 No, Ma'am.

1 I have got to do what Jesus says. I
2 am ready. I am ready. I have got the attorney of
3 attorneys. Can't nobody beat Jesus.

4 THE COURT: Also, sir, I will not appoint a
5 standby counsel to inform you at any stage during
6 the trial.

7 THE DEFENDANT: Yes, Ma'am.

8 THE COURT: There will not be a standby
9 counsel.

10 THE DEFENDANT: Yes, Ma'am. Yes, Ma'am.

11 THE COURT: Understanding all of these things
12 do you still wish to represent yourself?

13 THE DEFENDANT: I am ready.

14 THE COURT: Is that correct?

15 THE DEFENDANT: I am ready.

16 Yes, Ma'am.

17 THE COURT: Okay.

18 THE DEFENDANT: One other thing, your Honor.

19 I need --

20 THE COURT: I am going to order --

21 I will set the case down for trial
22 now.

23 You had some discovery issues first,
24 Mr. Griffin?

1 THE DEFENDANT: Yes, Ma'am.

2 THE COURT: What is that?

3 THE DEFENDANT: The police report.

4 THE COURT: Which report?

5 THE DEFENDANT: The police report. It is not
6 in the paperwork that they gave me. I need the
7 arrest report when the police arrested me.

8 THE SHERIFF: It is here (indicating).

9 THE DEFENDANT: I saw the preliminary hearing
10 and the 911. I know a police report, and this is
11 not it.

12 MS. HANSEN: The police report tendered to the
13 defendant is the new police reports that some of
14 the districts are using on the Christ System.
15 There are certain police departments that use a
16 Christ System. It is not like the original arrest
17 reports that the defendant may be familiar with.
18 But it was tendered.

19 THE COURT: Okay.

20 THE DEFENDANT: Your Honor, I seen the police
21 report at the preliminary hearing. I am not dumb
22 or stupid. I know a police report. This is not
23 the one they use on the streets. I need the one I
24 saw at the preliminary hearings that the officers

1 use at the 14th District when they arrested me.

2 Also, the 911 transcripts, I seen it
3 all at the preliminary hearing.

4 THE COURT: Have you requested them?

5 THE DEFENDANT: I am requesting it. Everything
6 was there at the preliminary hearing. I had seen
7 it.

8 THE COURT: The State has tendered discovery.

9 Now, if you want certain additional
10 items you are free to prepare a subpoena to request
11 those items or --

12 THE DEFENDANT: That is part of discovery.

13 THE COURT: You prepare the discovery motion
14 asking for those additional items. Prepare a
15 subpoena to get those items and I will set down a
16 court date for you and you present the subpoena to
17 the Court and I will determine if it is --

18 THE DEFENDANT: I am motioning it to you.

19 Judge, I need the police report, and
20 if not, I will just do it to the Appellate Court.

21 THE COURT: They just said they tendered to you
22 the police report.

23 THE DEFENDANT: This is not it (indicating).
24 This is not the one that they use on the streets.

1 I am not dumb or stupid. I may seem like it, but I
2 am not. I am very smart.

3 THE SHERIFF: Don't point at the Judge.

4 THE DEFENDANT: This is not the one that the
5 police filled out when they arrested me. I was
6 right there when they filled it out. It was also
7 at the preliminary hearing. I looked at it. The
8 Public Defender showed it to me. And the 911
9 transcripts, I looked at them at that time right
10 there.

11 THE COURT: You want the 911 transcripts?

12 THE DEFENDANT: And the original police report
13 because this is not it.

14 MS. HANSEN: There is a case report that is
15 included in his discovery, Judge, it is a
16 handwritten report by the police officer.

17 THE COURT: I am going to set a date down --
18 what I will do is set a status date.

19 THE SHERIFF: Here (indicating).

20 THE COURT: Ms. Revas, don't assist him. He is
21 representing himself. You are not his attorney.
22 Do not go through the documents with him.

23 Okay?

24 THE SHERIFF: Okay.

1 THE COURT: I appreciate you trying to be of
2 assistance, but he wants to represent himself.

3 THE SHERIFF: Okay.

4 THE COURT: State, notify the arresting
5 officers to be here on the next court date and to
6 bring with them any arrest reports that they may
7 have.

8 THE DEFENDANT: Yes, yes.

9 THE COURT: You also wanted 911 tapes?

10 THE DEFENDANT: Yes, transcripts.

11 THE COURT: What do you want, sir?

12 THE DEFENDANT: From February the 20th, that is
13 a Friday.

14 THE COURT: You have to put that request in
15 writing, sir.

16 THE DEFENDANT: It was in the preliminary
17 hearing already.

18 THE COURT: If there is something that you
19 want that you do not have you must put it in
20 writing. You must follow the rules in terms of
21 obtaining it.

22 If you prepare a motion for discovery
23 properly, or you prepare a subpoena properly, I
24 will address it. I will set a date down for the

1 officers to be brought in with the arrest report,
2 and I will set that same date for you to put in
3 writing exactly what you want by way of motion
4 and/or subpoena.

5 Do you understand?

6 THE DEFENDANT: Yes, Ma'am.

7 But your Honor, it was already in
8 there. Why should I have to file a motion? I
9 already seen it at the preliminary hearing.
10 Somebody took it out.

11 THE COURT: I am not your attorney. If there
12 is something you want then --

13 THE DEFENDANT: I am letting you know it was
14 already in there and now I don't see it.

15 THE COURT: That is meaningless what you are
16 saying.

17 You must follow the rules of discovery
18 in order to obtain those, and that is what I will
19 give you an opportunity to do.

20 So, let's set a date down.

21 MS. HANSEN: Okay.

22 THE COURT: How about April 21st? I will set
23 it down for April 21st to obtain these additional
24 documents.

1 You prepare any motions for discovery
2 or subpoenas you would like for that day.

3 THE DEFENDANT: They are supposed to be here.
4 I am ready for trial. I will appeal it to the
5 Appellate Court. I saw the preliminary hearing
6 already.

7 THE COURT: Also, a forensic clinical
8 evaluation will be ordered for that same day of
9 April 21st by agreement.

10 I will ask the Public Defender as a
11 Friend of the Court to fill out the packet.

12 MS. BURAN: I will, I will.

13 THE COURT: Thank you.

14 (Which were the proceedings
15 had in the above-entitled
16 cause, and the matter was
17 continued to April 21st,
18 2004.)

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1 STATE OF ILLINOIS)
2) SS.
3 COUNTY OF C O O K)

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 I, Krista Marie Flynn, Official
7 Court Reporter of the Circuit Court of Cook County,
8 County Department - Second Municipal District,
9 do hereby certify that I reported in shorthand
10 the proceedings had of the hearing in the
11 aforementioned cause; that I thereafter caused
12 the foregoing to be transcribed into typewriting,
13 which I hereby certify to be a true and accurate
14 transcript of the Report of Proceedings had before
15 the HONORABLE SHARON M. SULLIVAN, Judge of said
16 Court.

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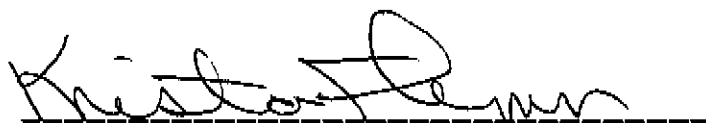
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Krista Marie Flynn, CSR
Official Court Reporter
5600 Old Orchard Road, #204
Skokie, Illinois 60077
License No. 084-003162

Dated this 20th day of April, 2004.

1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

5 THE PEOPLE OF THE
6 STATE OF ILLINOIS, }
7 Plaintiff, }
8 vs. }
9 DWAYNE GRIFFIN, }
10 Defendant. }
 No. 04 CR 5900

11 REPORT OF PROCEEDINGS on the
12 hearing had before the HONORABLE SHARON M.
13 SULLIVAN on the 30th day of March, 2004,
14 in Skokie, Illinois.

15 APPEARANCES:

16 HON. RICHARD A. DEVINE,
17 State's Attorney of Cook County, by
18 MS. ANJANA HANSEN,
19 Assistant State's Attorney,
20 appeared for the People;

21 HON. EDWIN A. BURNETTE,
22 Public Defender of Cook County, by
23 MS. ANN BURAN,
24 Assistant Public Defender,
 appeared for the Defendant.

22 Krista Flynn Burgeson, CSR
23 Official Court Reporter
24 5600 Old Orchard Road, #204
 Skokie, Illinois 60077
 License No. 084-003162

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I N D E X

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PEOPLE vs. DWAYNE GRIFFIN

6

Case No.: 04 CR 5900

7

Date: March 30, 2004

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PROCEEDINGS

11

Pages: D-1 through D-23

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Krista Flynn Burgeson, CSR

23

Official Court Reporter

24

5600 Old Orchard Road, #204

Skokie, Illinois 60077

License No. 084-003162

1 THE CLERK: Dwayne Griffin, custody.

2 THE SHERIFF: Coming out.

3 THE DEFENDANT: Yes, Judge.

4 THE COURT: Do you have an attorney?

5 THE DEFENDANT: I am proceeding pro se. I

6 don't want a Public Defender to represent me.

7 I am proceeding pro se.

8 THE COURT: You obviously know what it

9 means, but let me talk to you for a minute.

10 THE DEFENDANT: Yes, Ma'am.

11 THE COURT: Think for a minute. You are

12 charged with the offense of burglary.

13 THE DEFENDANT: Yes, Ma'am.

14 THE COURT: And this offense is a Class 2

15 felony. If you are found guilty of this

16 offense you could be sentenced to the

17 penitentiary --

18 THE DEFENDANT: Yes, Ma'am.

19 THE COURT: -- (Continuing) -- for a

20 period of three and up to seven years.

21 THE DEFENDANT: Yes, Ma'am.

22 THE COURT: Hold on with the yes Ma'am's

23 for one second.

24 Any background that would make

1 this extendable or a Class X?

2 MS. HANSEN: This is a Class X sentencing,
3 Judge.

4 THE COURT: Because of background?

5 MS. HANSEN: Yes.

6 THE COURT: Because of your background,
7 prior convictions, you could be sentenced to
8 the penitentiary for six to 30 years.

9 THE DEFENDANT: Yes, Ma'am.

10 THE COURT: Plus three years of mandatory
11 supervised release.

12 THE DEFENDANT: Yes, Ma'am.

13 THE COURT: If you cannot afford an
14 attorney, the Court can appoint an attorney.
15 You are entitled to have one appointed to
16 represent you.

17 Do you understand that?

18 THE DEFENDANT: Yes, Ma'am.

19 THE COURT: Have you ever been treated for
20 any psychological problems?

21 THE DEFENDANT: No, Ma'am.

22 THE COURT: Are you taking any medications?

23 THE DEFENDANT: No, Ma'am.

24 THE COURT: You understand that a lawyer

1 who would be appointed to represent you is
2 someone who has gone through law school, taken
3 the bar exam, and is familiar with practicing
4 in these courtrooms?

5 THE DEFENDANT: Yes, Ma'am.

6 THE COURT: You understand that if you
7 represent yourself that you would not have the
8 assistance of a lawyer but still held to follow
9 the Rules of Procedure and the Rules of
10 Evidence?

11 THE DEFENDANT: Yes, Ma'am.

12 THE COURT: You understand that let's say
13 you wanted to try to get something into
14 evidence and there was a way to do it but you
15 didn't know how to do it you might not be able
16 to get it into evidence?

17 THE DEFENDANT: Yes, Ma'am.

18 THE COURT: You understand an attorney
19 could also discuss the case with the State and
20 see if there were any offers or any negotiating
21 that could be done on your behalf in terms of
22 resolving the case?

23 THE DEFENDANT: Yes, Ma'am. Yes, Ma'am.

24 THE COURT: And understanding all of these

1 things you wish to represent yourself?

2 THE DEFENDANT: Yes, Ma'am.

3 THE COURT: All right.

4 Then I will tender to you, sir, a
5 copy of the information, which is the charge
6 that -- it charges you with the offense of
7 burglary from on or about February 21, 2002.
8 It alleges that you committed this offense.
9 And that you, without authority, knowingly
10 entered into a building, to wit Blockbuster
11 Video, 1303 North Milwaukee Avenue, Chicago,
12 Cook County, Illinois, with the intent to
13 commit the offense of theft therein.

14 Do you understand that is the
15 charge that is brought here today?

16 THE DEFENDANT: Yes, Ma'am.

17 THE COURT: And do you acknowledge a copy
18 of that information?

19 THE DEFENDANT: Yes, Ma'am.

20 THE COURT: Okay.

21 This time what type of plea are
22 you entering?

23 THE DEFENDANT: Not guilty.

24 THE COURT: Okay.

1 MS. HANSEN: Judge, I am tendering to the
2 defendant a copy of the State's motion which is
3 -- which consists of two pages, our answer
4 which is two pages, an arrest report which
5 consists of five pages, a case report which
6 consists of two pages, the defendant's criminal
7 history, as well as two supplemental reports
8 which are two pages each.

9 I am tendering that now to the
10 defendant.

11 THE COURT: Do you have a copy of what you
12 just tendered?

13 MS. HANSEN: In my file, yes.

14 THE COURT: Okay.

15 Mr. Griffin, do you acknowledge
16 that the State has just tendered that to you?

17 THE DEFENDANT: Yes, Ma'am.

18 THE COURT: Are you asking for any type of
19 receipt to be signed?

20 MS. HANSEN: Yes, Judge.

21 There is a receipt at the top. I
22 would just ask the defendant to sign on the
23 bottom to acknowledge that he received the
24 discovery that I have already stated.

1 THE COURT: Okay, sir.

2 THE DEFENDANT: Yes.

3 MS. HANSEN: Thank you.

4 THE COURT: The State will get a copy of
5 the preliminary hearing transcript for you on
6 the --

7 Here is a copy actually.

8 MS. HANSEN: Tendering a copy of the
9 preliminary hearing then as well, Judge.

10 THE COURT: Okay.

11 And Mr. Griffin, I take it you
12 are seeking a date to look at all the materials
13 that have been tendered to you?

14 THE DEFENDANT: I am ready for trial, your
15 Honor.

16 THE COURT: You are ready for trial?

17 THE DEFENDANT: I am demanding trial.

18 THE COURT: You are ready to go to trial?

19 THE DEFENDANT: Ready to go to trial.

20 THE COURT: Which kind would you indicate,
21 Jury trial or bench trial?

22 THE DEFENDANT: Jury trial.

23 MS. HANSEN: Can we pass this so I can
24 check on what our term is from today's date?

1 Also, it is a burglary. We will
2 have to get a hold of a victim to come in.

3 THE COURT: Let's pass it to see what type
4 of trial date we can get.

5 THE DEFENDANT: Okay.

6 THE COURT: Pass.

7 (Whereupon, the above-mentioned
8 case was passed and was then
9 recalled as follows:)

10 THE CLERK: Dwayne Griffin. Dwayne
11 Griffin, recalled.

12 THE SHERIFF: Coming out.

13 THE COURT: You are Mr. Dwayne Griffin?

14 THE DEFENDANT: Yes, Ma'am.

15 THE COURT: Mr. Griffin, how old are you,
16 sir?

17 THE DEFENDANT: 42.

18 THE COURT: And how far did you go in
19 school, sir?

20 THE DEFENDANT: Four years of college.

21 THE COURT: Did you graduate college?

22 THE DEFENDANT: Yes, Ma'am.

23 THE COURT: What year did you graduate
24 college?

1 THE DEFENDANT: In '85.

2 THE COURT: What was your degree in?

3 THE DEFENDANT: Small industry services and
4 carpentry.

5 THE COURT: Did you take any post-college
6 courses?

7 THE DEFENDANT: Post college? What do you
8 mean?

9 THE COURT: Any advanced degrees?

10 THE DEFENDANT: Advanced as to what?

11 THE COURT: Did you go to law school, sir?

12 THE DEFENDANT: No, Ma'am.

13 THE COURT: Did you take any legal courses?

14 THE DEFENDANT: Paralegal.

15 THE COURT: You took paralegal courses?

16 THE DEFENDANT: Yes, Ma'am.

17 THE COURT: Which ones did you take?

18 THE DEFENDANT: Just a little course of
19 going through days of setting up things for the
20 lawyers and stuff like that. It wasn't really
21 about a certificate or anything. Just you go
22 through it, the procedures of a trial, how you
23 set up trials and stuff like that, evidence,
24 stuff like that.

1 THE COURT: And where did you take that
2 class at?

3 THE DEFENDANT: At the school around the
4 house, around my house.

5 THE COURT: Where is that?

6 THE DEFENDANT: In Chicago.

7 THE COURT: Do you remember the name of
8 that school?

9 THE DEFENDANT: It is Orr.

10 THE COURT: Pardon me?

11 THE DEFENDANT: Orr, O-r-r.

12 THE COURT: Okay.

13 THE DEFENDANT: And your Honor, I want to
14 ask you something. This is important.

15 THE COURT: Yes.

16 THE DEFENDANT: After I was reviewing the
17 discovery, right, there are things missing out
18 of there such as a police report and --

19 THE COURT: We will get to that in just a
20 minute.

21 I am asking you certain questions
22 to make sure that if you represent yourself --

23 THE DEFENDANT: Yes, Ma'am.

24 THE COURT: (Continuing) -- that you know

1 what you are doing and that you are making a
2 knowing decision not to have an attorney
3 representing you.

4 THE DEFENDANT: Yes, Ma'am. Yes, Ma'am.

5 THE COURT: Have you ever been involved in
6 any other kind of legal proceedings.

7 THE DEFENDANT: I represented myself in the
8 Supreme Court.

9 THE COURT: When did you do that, sir?

10 THE DEFENDANT: Back in '98.

11 THE COURT: Any other legal proceedings you
12 were in?

13 THE DEFENDANT: I represented myself in
14 2001.

15 THE COURT: Where was that?

16 THE DEFENDANT: At the Appellate Court.

17 THE COURT: Okay.

18 THE DEFENDANT: I am still in the Supreme
19 Court right now.

20 THE COURT: All right.

21 Let me just read you a -- read to
22 you a couple things that a learned professor
23 wrote about if someone is going to represent
24 themselves, and you may know this, but I will

1 read it.

2 THE DEFENDANT: A fool as a client?

3 THE COURT: Have you heard that one before?

4 THE DEFENDANT: Yes, yes.

5 THE COURT: An attorney who represents
6 himself has a fool as a client?

7 THE DEFENDANT: Yes, Ma'am.

8 THE COURT: This is different.

9 THE DEFENDANT: Okay.

10 THE COURT: It says, Professor LeFave in
11 Israel said that the trial court should inform
12 a defendant of the following: That presenting
13 a defense is not a simple matter of telling
14 one's story but requires adherence to various
15 technical rules governing the conduct of a
16 trial; a lawyer has substantial experience and
17 training in trial procedure and the prosecution
18 will be represented by an experienced attorney;
19 a person unfamiliar with legal procedures may
20 allow the past prosecutor an advantage by
21 failing to make objections to inadmissible
22 evidence, may not make effective usage of such
23 rights as the voir dire of jurors, and may make
24 tactical decisions that produce unintended

1 consequences; the defendant proceeding pro se
2 will not be allowed to complain on appeal about
3 the competency of his representation.

4 Do you understand these things?

5 THE DEFENDANT: Yes, Ma'am.

6 THE COURT: Do you understand the
7 effectiveness of your defense may well be
8 diminished by your dual role as an attorney and
9 an accused, and that you will receive no
10 special consideration from the Court?

11 Do you understand that?

12 THE DEFENDANT: Yes, Ma'am.

13 THE COURT: Do you understand you will
14 receive no extra time for preparation or
15 greater library time, and that a lawyer can
16 render important assistance by determining the
17 existence of a possible defense to the charge
18 against you, charges against you, through
19 consultation with the prosecutor regarding
20 possible reduced charges or lesser penalties,
21 and in the event of a conviction by presenting
22 to the Court matters which might lead to a
23 lesser sentence?

24 Do you understand these are some

1 of the things a lawyer can do?

2 THE DEFENDANT: Yes, Ma'am.

3 THE COURT: In the event the Court accepts
4 your decision to represent yourself you will
5 not be given an opportunity to change your mind
6 during the trial.

7 Do you understand that?

8 THE DEFENDANT: Yes, Ma'am.

9 THE COURT: So if we are in the middle of a
10 Jury trial and you say, Oh, Judge, I want a
11 lawyer, you will not --

12 THE DEFENDANT: No, Ma'am. I won't say
13 that. No, Ma'am.

14 I have got to do what Jesus says.
15 I am ready. I am ready. I have got the
16 attorney of attorneys. Can't nobody beat
17 Jesus.

18 THE COURT: Also, sir, I will not appoint a
19 standby counsel to inform you at any stage
20 during the trial.

21 THE DEFENDANT: Yes, Ma'am.

22 THE COURT: There will not be a standby
23 counsel.

24 THE DEFENDANT: Yes, Ma'am. Yes, Ma'am.

1 THE COURT: Understanding all of these
2 things do you still wish to represent yourself?

3 THE DEFENDANT: I am ready.

4 THE COURT: Is that correct?

5 THE DEFENDANT: I am ready.

6 Yes, Ma'am.

7 THE COURT: Okay.

8 THE DEFENDANT: One other thing, your
9 Honor.

10 I need --

11 THE COURT: I am going to order --

12 I will set the case down for
13 trial now.

14 You had some discovery issues
15 first, Mr. Griffin?

16 THE DEFENDANT: Yes, Ma'am.

17 THE COURT: What is that?

18 THE DEFENDANT: The police report.

19 THE COURT: Which report?

20 THE DEFENDANT: The police report. It is
21 not in the paperwork that they gave me. I need
22 the arrest report when the police arrested me.

23 THE SHERIFF: It is here (indicating).

24 THE DEFENDANT: I saw the preliminary

1 hearing and the 911. I know a police report,
2 and this is not it.

3 MS. HANSEN: The police report tendered to
4 the defendant is the new police reports that
5 some of the districts are using on the Christ
6 System. There are certain police departments
7 that use a Christ System. It is not like the
8 original arrest reports that the defendant may
9 be familiar with. But it was tendered.

10 THE COURT: Okay.

11 THE DEFENDANT: Your Honor, I seen the
12 police report at the preliminary hearing. I am
13 not dumb or stupid. I know a police report.
14 This is not the one they use on the streets. I
15 need the one I saw at the preliminary hearings
16 that the officers use at the 14th District when
17 they arrested me.

18 Also, the 911 transcripts, I seen
19 it all at the preliminary hearing.

20 THE COURT: Have you requested them?

21 THE DEFENDANT: I am requesting it.
22 Everything was there at the preliminary
23 hearing. I had seen it.

24 THE COURT: The State has tendered

1 discovery.

2 Now, if you want certain
3 additional items you are free to prepare a
4 subpoena to request those items or --

5 THE DEFENDANT: That is part of discovery.

6 THE COURT: You prepare the discovery
7 motion asking for those additional items.
8 Prepare a subpoena to get those items and I
9 will set down a court date for you and you
10 present the subpoena to the Court and I will
11 determine if it is --

12 THE DEFENDANT: I am motioning it to you.

13 Judge, I need the police report,
14 and if not, I will just do it to the Appellate
15 Court.

16 THE COURT: They just said they tendered to
17 you the police report.

18 THE DEFENDANT: This is not it
19 (indicating). This is not the one that they
20 use on the streets. I am not dumb or stupid.
21 I may seem like it, but I am not. I am very
22 smart.

23 THE SHERIFF: Don't point at the Judge.

24 THE DEFENDANT: This is not the one that

1 the police filled out when they arrested me. I
2 was right there when they filled it out. It
3 was also at the preliminary hearing. I looked
4 at it. The Public Defender showed it to me.
5 And the 911 transcripts, I looked at them at
6 that time right there.

7 THE COURT: You want the 911 transcripts?

8 THE DEFENDANT: And the original police
9 report because this is not it.

10 MS. HANSEN: There is a case report that is
11 included in his discovery, Judge, it is a
12 handwritten report by the police officer.

13 THE COURT: I am going to set a date down
14 -- what I will do is set a status date.

15 THE SHERIFF: Here (indicating).

16 THE COURT: Ms. Revas, don't assist him.
17 He is representing himself. You are not his
18 attorney. Do not go through the documents with
19 him.

20 Okay?

21 THE SHERIFF: Okay.

22 THE COURT: I appreciate you trying to be
23 of assistance, but he wants to represent
24 himself.

1 THE SHERIFF: Okay.

2 THE COURT: State, notify the arresting
3 officers to be here on the next court date and
4 to bring with them any arrest reports that they
5 may have.

6 THE DEFENDANT: Yes, yes.

7 THE COURT: You also wanted 911 tapes?

8 THE DEFENDANT: Yes, transcripts.

9 THE COURT: What do you want, sir?

10 THE DEFENDANT: From February the 20th,
11 that is a Friday.

12 THE COURT: You have to put that request in
13 writing, sir.

14 THE DEFENDANT: It was in the preliminary
15 hearing already.

16 THE COURT: If there is something that you
17 want that you do not have you must put it in
18 writing. You must follow the rules in terms of
19 obtaining it.

20 If you prepare a motion for
21 discovery properly, or you prepare a subpoena
22 properly, I will address it. I will set a date
23 down for the officers to be brought in with the
24 arrest report, and I will set that same date

1 for you to put in writing exactly what you want
2 by way of motion and/or subpoena.

3 Do you understand?

4 THE DEFENDANT: Yes, Ma'am.

5 But your Honor, it was already in
6 there. Why should I have to file a motion? I
7 already seen it at the preliminary hearing.
8 Somebody took it out.

9 THE COURT: I am not your attorney. If
10 there is something you want then --

11 THE DEFENDANT: I am letting you know it
12 was already in there and now I don't see it.

13 THE COURT: That is meaningless what you
14 are saying.

15 You must follow the rules of
16 discovery in order to obtain those, and that is
17 what I will give you an opportunity to do.

18 So, let's set a date down.

19 MS. HANSEN: Okay.

20 THE COURT: How about April 21st? I will
21 set it down for April 21st to obtain these
22 additional documents.

23 You prepare any motions for
24 discovery or subpoenas you would like for that

1 day.

2 THE DEFENDANT: They are supposed to be
3 here. I am ready for trial. I will appeal it
4 to the Appellate Court. I saw the preliminary
5 hearing already.

6 THE COURT: Also, a forensic clinical
7 evaluation will be ordered for that same day of
8 April 21st by agreement.

9 I will ask the Public Defender as
10 a Friend of the Court to fill out the packet.

11 MS. BURAN: I will, I will.

12 THE COURT: Thank you.

13 (Which were the proceedings
14 had in the above-entitled
15 cause, and the matter was
16 continued to April 21st,
17 2004.)

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1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

3 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
4 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

5 I, Krista Marie Flynn,
6 Official Court Reporter of the Circuit Court
7 of Cook County, County Department - Second
8 Municipal District, do hereby certify that I
9 reported in shorthand the proceedings had of
10 the hearing in the aforementioned cause;
11 that I thereafter caused the foregoing to be
12 transcribed into typewriting, which I hereby
13 certify to be a true and accurate transcript
14 of the Report of Proceedings had before the
15 HONORABLE SHARON M. SULLIVAN, Judge of said
16 Court.

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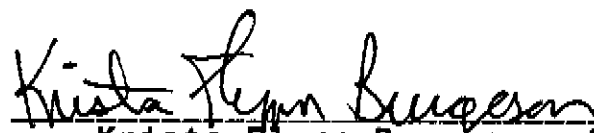
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24 Dated this 20th day of May, 2005.



Krista Flynn Burgeson, CSR
Official Court Reporter
5600 Old Orchard Road, #204
Skokie, Illinois 60077
License No. 084-003162

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Dwayne Griffin Report of Proceedings on 4-21-04.....E1-E8

STATE OF ILLINOIS)
) ss:
COUNTY OF C O O K)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT SECOND MUNICIPAL DISTRICT

THE PEOPLE OF THE)	
STATE OF ILLINOIS,)	
)	
Plaintiff,)	
-vs-)	
)	04 CR 5900
DWAYNE GRIFFIN,)	
)	
Defendant.)	

REPORT OF PROCEEDINGS had at the hearing of the
above-entitled matter before the Honorable SHARON SULLIVAN,
one of the Judges of said Division, on the 21st day of April, A.D. 2004.

PRESENT:

HON. RICHARD DeVINE,
State's Attorney of Cook County, by
MS. ANJANA HANSEN,
Assistant State's Attorney,
Appearing on behalf of the People;

The Defendant Appearing Pro Se.

Reported by:
Marla Sloan
Official Court Reporter

1 THE CLERK: Dwayne Griffin. Custody.

2 THE COURT: You are Dwayne Griffin?

3 THE DEFENDANT: Yes, Ma'am.

4 THE COURT: And I ordered a Forensic Clinical Evaluation on the
5 last court date, also a report indicating that the Defendant was
6 examined and that conclusion is he is fit to stand trial.

7 Are there any outstanding discovery matters?

8 MS. HANSEN: Yes, Judge. In regards to the Chicago Police
9 Department records, I did subpoena the detective's supplementary
10 record as well as progress reports. The Clerk did hand me two pages of
11 the detective's supplemental record, supplementary report.

12 We are in contact with the Chicago Police
13 Department and they will be able to fax up the GPR.

14 THE COURT: You can make copies of that. Those were returned
15 to the Court. I just handed them to the State's Attorney, and we will
16 make a copy for Mr. Griffin of those reports.

17 MS. HANSEN: Also the GPR's are faxed today in the Chief Judge's
18 Office.

19 THE COURT: Make copies of these and give copies to him. Does
20 that complete discovery?

21 MS. HANSEN: It should.

22 THE COURT: I know on the last court date we went through a
23 discussion of your representation. You indicated you wanted to
24 represent yourself. Is that right?

1 THE DEFENDANT: Yes, Ma'am.

2 THE COURT: You have had an opportunity to think about that
3 since the last court date, and do you still wish to represent yourself?

4 THE DEFENDANT: Yes, Ma'am. Your Honor, I would like to have
5 copies of your psych report you received. Can I have a copy of that also?

6 THE COURT: State, do you have a copy of that?

7 MS. HANSEN: Yes. I am tendering, or have tendered a copy of
8 that to the Defendant.

9 THE COURT: Okay. Mr. Griffin, do you anticipate filing any
10 motions in this case?

11 THE DEFENDANT: Pardon me?

12 THE COURT: Do you anticipate filing any motions on this case?

13 THE DEFENDANT: The last time I was here I motioned for
14 discovery, and upon receiving the discovery there was no police report.
15 You told me to subpoena that police report.

16 THE COURT: Did you subpoena that, sir?

17 THE DEFENDANT: Well, I orally motioned for it. It was supposed
18 to have been in the discovery.

19 THE COURT: State, did you tender the arrest report?

20 MS. HANSEN: I tendered - - I will tell you what. I tendered the
21 arrest report, as well as a case report, as well as the Defendant's
22 criminal history on my motion for discovery, as well as my answer to
23 discovery. It was actually a five page arrest report, two page case
24 report, as well as there were other supplementary reports that were

1 given to the Defendant, four pages in which he received on
2 March 30th. So, I don't know what arrest report or police report the
3 Defendant is talking about.

4 THE DEFENDANT: One that the Chicago Police uses on the street.
5 I reviewed it at the preliminary hearing. I don't know why they are
6 playing with the police report. It was supposed to have been in the
7 discovery.

8 THE COURT: You are going to have to file if there is some
9 additional discovery you want. You are going to have to pursue that
10 discovery either by way of subpoena.

11 The State indicated they tendered the arrest report.
12 I am not privy to this documentation. If there is an appropriate motion,
13 you can file that.

14 THE DEFENDANT: I guess I ain't going to have no trial. There
15 ain't no police reports.

16 THE COURT: State, do you have a copy of that document. Let me
17 pass it. We will get copies of the documents.

18 (Whereupon said proceedings were passed;
19 afterwhich the following proceedings were
20 had:)

21 THE CLERK: Dwayne Griffin.

22 THE COURT: Mr. Griffin, before the Court stated you made copies
23 of these reports. I am tendering to the Defendant a five page arrest
24 report, two pages of a case report, and seven pages of his criminal

1 history, one page inventory, one page processing report, and
2 supplementary report which is two pages long, one page complaint,
3 handwritten notes. I believe I detected four pages GPR. Defendant
4 signed that and dated it acknowledging his receipt of that discovery.

5 THE DEFENDANT: Your Honor, I already have that stuff.

6 THE COURT: There are some reports they received today that are
7 in here.

8 THE DEFENDANT: That's not the police that supposed to be in the
9 discovery. That's not it.

10 THE COURT: I don't know what it is you are seeking. The State
11 has indicated - -

12 THE DEFENDANT: The one the police uses on the streets. That's
13 not it.

14 THE COURT: They have changed the format of the reports they
15 use.

16 MS. HANSEN: That's correct.

17 THE COURT: Sir, what do you want to do with your case? Do you
18 want another status date to review these matters? Do you want a date
19 to prepare motions, subpoenas?

20 THE DEFENDANT: I am waiting on the police reports.

21 THE COURT: The State's position is they tendered it to you.

22 THE DEFENDANT: I guess we are not going to have no trial
23 without that police report. I will appeal to the Appellate Court.

1 THE COURT: In terms of this case that's here today do you want a
2 date to review those matters and prepare subpoenas?

3 THE DEFENDANT: Nope.

4 THE COURT: Is the Defendant refusing to accept copies that I
5 have tendered to him?

6 THE DEFENDANT: That's not the police report.

7 THE COURT: Take those documents with you.

8 THE DEFENDANT: I am not going to take those. I don't want
9 those. That's not the police report. I am not dumb and stupid. People
10 are playing with peoples' lives.

11 MS. HANSEN: I'm taking back all - -

12 THE DEFENDANT: It's not the police - -

13 MS. HANSEN: I am taking it all back since he is refusing to take
14 discovery.

15 THE COURT: All right. Mr. Griffin, are you in a position to have
16 your case set down for trial?

17 THE DEFENDANT: What trial without the police report? Not
18 without a police report. I need that police report.

19 THE COURT: You have chosen to represent yourself. You are free
20 to prepare any discovery or any subpoenas or motions that you think are
21 appropriate. Sir, I am going to continue your case. How's May 4th?

22 THE DEFENDANT: Well, by then they should be able to find the
23 police report.

24 THE COURT: I think the State has represented - -

1 THE DEFENDANT: I already reviewed that at preliminary hearing.
2 I am not going to trial without the police report.

3 THE COURT: Prepare whatever necessary documents you have.
4 By agreement to May 4th. Let the record show that on Mr. Griffin's case
5 the State has attempted to hand discovery to him which was identified
6 and a receipt, and Defendant looked through that and put it down, and
7 refused to sign it. The State took it back.

8 (Which were all the proceedings had in the
9 above-entitle cause on said date.)

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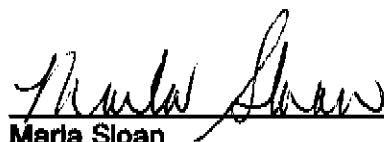
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24

STATE OF ILLINOIS)
) SS.
COUNTY OF COOK)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
COUNTY DEPARTMENT SECOND MUNICIPAL DISTRICT

I, MARLA SLOAN, an Official Court Reporter for the Circuit Court of Cook County, Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above-entitled cause; that, I, thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had in the above-entitled cause.



Marla Sloan
Official Court Reporter
084-001749

1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

3
4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 THE PEOPLE OF THE
7 STATE OF ILLINOIS,
8 Plaintiff,
9 vs.
10 DWAYNE GRIFFIN,
11 Defendant.

 } No. 04 CR 5900

12 REPORT OF PROCEEDINGS on the hearing
13 had before the HONORABLE SHARON M. SULLIVAN
14 on the 4th day of May, 2004, in Skokie,
15 Illinois.

16 APPEARANCES:

17 HON. RICHARD A. DEVINE,
18 State's Attorney of Cook County, by
19 MS. ANJANA HANSEN,
20 Assistant State's Attorney,
21 appeared for the People;

22 Krista Flynn Burgeson, CSR
23 Official Court Reporter
24 5600 Old Orchard Road, #204
25 Skokie, Illinois 60077
26 License No. 084-003162

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2

I N D E X

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5 CASE: People vs. Dwayne Griffin

6 NUMBER: 04 CR 5900

7 DATE: May 4, 2004

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15 PROCEEDINGS

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17 PAGES: F-1 through F-16

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22 Krista Flynn Burgeson, CSR
23 Official Court Reporter
24 5600 Old Orchard Road, #204
Skokie, Illinois 60077
License No. 084-003162

1 THE CLERK: Custody, Dwayne Griffin.

2 THE SHERIFF: Coming out.

3 THE COURT: You are Dwayne Griffin?

4 THE DEFENDANT: Yes, Ma'am.

5 THE COURT: You are representing yourself;
6 is that correct?

7 THE DEFENDANT: Yes, Ma'am.

8 THE COURT: There was a previously filed
9 fitness report saying that he is fit to
10 proceed.

11 MS. HANSEN: That is correct.

12 THE COURT: This was continued for a short
13 date because you believed that you were missing
14 some discovery.

15 THE DEFENDANT: Yes, Ma'am.

16 THE COURT: Are you --

17 Have you prepared something since
18 the last court date?

19 THE DEFENDANT: Yes, the motions to the
20 State.

21 MS. HANSEN: Okay.

22 THE COURT: I will have the clerk stamp
23 them.

24 THE DEFENDANT: Okay.

1 MS. HANSEN: Judge, acknowledging receipt
2 of a filed stamped copy and giving the
3 defendant two copies of his motion.

4 THE COURT: This is a request for certain
5 information; is that correct?

6 THE DEFENDANT: Yes, Ma'am.

7 THE COURT: So, why don't I set it down for
8 a date for the State to review this and see if
9 they have any additional materials or see if
10 they have provided you with all the materials
11 that they have.

12 I believe you tendered discovery
13 the last time; is that correct, State?

14 MS. HANSEN: Yes, Judge.

15 And in fact, on the last court
16 date we received detective supplementary
17 reports as well as general progress reports by
18 the detective, and at that time, the defendant
19 refused to take the copy, or sign the discovery
20 receipt acknowledging receipt of that.

21 In addition, Judge, back on March
22 30th, when the defendant was arraigned, we also
23 tendered him copies. He should have gotten a
24 copy of the information, the charging

1 documents, at that time.

2 We also tendered him the arrest
3 report and general offense case report.

4 I believe we also gave him a
5 preliminary hearing transcript at that time,
6 Judge.

7 THE COURT: Okay.

8 MS. HANSEN: And those are some of the
9 things that he is asking for in regards to his
10 motion.

11 THE COURT: Would you like the additional
12 supplemental reports that the State has?

13 THE DEFENDANT: Well, your Honor, I asked
14 for the arrest reports, and I never received
15 them in the discovery.

16 THE COURT: It is the State's position I
17 believe that you had those, that the arrest
18 reports were in there.

19 MS. HANSEN: Yes, Judge.

20 On March 30th the defendant
21 signed a discovery receipt in which we
22 tendered two pages of our motion for discovery,
23 two pages of our answer to discovery, a five
24 page arrest report, a two page general offense

1 case report, his criminal history, as well as a
2 two page supplemental report from Officer or
3 Detective Watson, and a two page supplemental
4 report by an Officer or Detective Leahy.

5 Judge, I think the issue is
6 defendant has been stating all along that he
7 saw a report at the preliminary hearing that
8 the State hasn't tendered.

9 I tendered the defendant
10 everything that I have received from the
11 Chicago Police Department.

12 Again, on the last court date
13 we had some additional discovery for the
14 defendant, but he did not want to take that
15 discovery.

16 THE COURT: Why don't you attempt to give
17 it to him again and identify it?

18 THE DEFENDANT: Your Honor, can I say
19 something, please?

20 THE COURT: Yes.

21 THE DEFENDANT: I am not going to go to
22 trial without the arrest report from the
23 police. I am not going to represent myself in
24 this courtroom or no courtroom without the

1 arrest report.

2 THE COURT: Who prepared that arrest
3 report, sir, that you are asking for?

4 THE DEFENDANT: The police.

5 THE COURT: Do you know who the officers
6 are?

7 THE DEFENDANT: Don't you all know?

8 THE COURT: I don't have any reports.

9 THE DEFENDANT: How did I get in your
10 custody, then? Don't nobody have a report?
11 How did I get in your custody?

12 THE COURT: State, you have the report?
13 That has been tendered to him?

14 MS. HANSEN: Yes, Judge.

15 And we attempted to tender it
16 again to him on the last court date.

17 THE COURT: Okay.

18 MS. HANSEN: There is a five page report
19 and at the top it says, Chicago Police
20 Department Arrest Report.

21 Now, unless he is referring to
22 another report, these are the reports that I
23 have in my file that I have per subpoena to the
24 Chicago Police Department.

1 In addition, what we were
2 attempting to give him on the last court date
3 was a one page inventory, a one page crime
4 scene report, a two page supplemental report
5 from Officer Combs, the complaint -- a one page
6 complaint, four pages of handwritten notes I
7 believe by the Chicago Police Department, as
8 well as the general progress reports, two
9 pages.

10 THE COURT: Okay.

11 Would you give those to him at
12 this time?

13 THE SHERIFF: No paper clips.

14 MS. HANSEN: Took them out.

15 THE DEFENDANT: Your Honor, I got all of
16 that.

17 THE COURT: Do you want those reports?

18 THE DEFENDANT: No, Ma'am.

19 THE COURT: The State is telling you that
20 there are some reports there that you did not
21 receive before, some supplemental reports and
22 general progress reports.

23 THE DEFENDANT: I am not accepting that,
24 your Honor.

1 THE COURT: Then that is your decision.

2 THE DEFENDANT: I am not accepting that.

3 THE COURT: The State will hold on to it
4 then.

5 If, at some later time, you want
6 those documents, and you have asked for those
7 in the documents you filed today, demand for
8 copy of charging documents, you specifically
9 ask in 6G for supplemental reports, and that is
10 what the State is attempting to give to you,
11 you are refusing to take that.

12 THE DEFENDANT: I have all of that, your
13 Honor.

14 I need the Chicago Police Arrest
15 Report.

16 MS. HANSEN: Judge, can I take a look at
17 that?

18 THE COURT: Yes.

19 MS. HANSEN: The arrest report I have is a
20 five page arrest report. I have tendered that
21 to the --

22 THE COURT: Show him the reports that are
23 in the file.

24 MS. HANSEN: Yes, Judge.

1 Again, Judge, in the Court file
2 is a document that is five pages long that is
3 entitled, Chicago Police Department Arrest
4 Report. That is the arrest report that I
5 have. That is the arrest report that I have
6 tendered to the defendant (indicating).

7 THE DEFENDANT: Lord have mercy. Wait to
8 the Appellate Court and Supreme Court hear
9 about this.

10 THE COURT: Are you saying -- are you
11 thinking of the complaint? Perhaps you are
12 thinking about the complaint filed.

13 THE DEFENDANT: That is not it, your Honor.
14 She knows that is not it.

15 Come on.

16 MS. HANSEN: I don't know what the
17 defendant is talking about. I was not at the
18 preliminary hearing.

19 I am giving him a police report.

20 THE DEFENDANT: Someone took it. It is
21 missing.

22 THE COURT: No one knows about it.

23 THE DEFENDANT: The police report that --
24 an arrest report that the police use on the

1 street when they arrest someone.

2 THE COURT: Who are the police officer? I
3 will ask the State to have the police officers
4 appear in court.

5 THE DEFENDANT: You said that the last time
6 I was here that they were supposed to appear
7 here. You told me to file a motion to get this
8 report.

9 THE COURT: And you filed that today.

10 THE DEFENDANT: And they are still not
11 here.

12 THE COURT: You filed your motion today.
13 State has --

14 THE DEFENDANT: Oh, Lord have mercy.

15 THE COURT: The State can --

16 MS. HANSEN: Judge, Officer Prill,
17 P-r-i-l-l, Star Number 15774, as well as
18 Officer Blonstrand, B-l-o-n-s-t-r-a-n-d, Star
19 Number 15875.

20 Judge, I would be happy to
21 subpoena the officers in but I do need time to
22 do that.

23 THE COURT: Okay.

24 THE DEFENDANT: Excuse me, your Honor.

1 Can I say something?

2 THE COURT: Sure.

3 THE DEFENDANT: This was supposed to have
4 been did three months ago.

5 I reviewed this at the preliminary
6 hearing. I reviewed this in front of Judge
7 Ridnicki at the preliminary hearing. I
8 reviewed this here.

9 Did it come up stolen? Come on,
10 come on. You know this is not right.

11 MS. HANSEN: Did the defendant sit down
12 with a public defender or attorney when he
13 looked at the document? Maybe if there was one
14 that he spoke with at the time of the prelim
15 that conducted a preliminary hearing on his
16 behalf, they know what document this is and we
17 can figure out what the defendant is talking
18 about.

19 THE COURT: Did you have a Public Defender
20 at that time, sir?

21 MS. HANSEN: Or did he represent himself?

22 THE DEFENDANT: Yes, I did.

23 THE COURT: Do you want a Public Defender
24 on this case?

1 THE DEFENDANT: No, no.

2 THE COURT: You have chosen to represent
3 yourself, and the State has indicated that they
4 have --

5 THE DEFENDANT: Yes, yes.

6 THE COURT: (Continuing) -- provided you
7 with all the information they can obtain.

8 THE DEFENDANT: I am not going to trial
9 like that.

10 THE COURT: I will ask the State, since you
11 still believe there some other documents out
12 there, to --

13 THE DEFENDANT: I know there is.

14 THE COURT: I will ask the State to notify
15 the two arresting officer to come into court
16 and we can ask them in open court if there are
17 any additional arrest reports.

18 THE DEFENDANT: But your Honor, you told me
19 that it was supposed to have been here.

20 THE COURT: I told you to file any motions
21 that you had.

22 THE DEFENDANT: I filed the motions, but
23 they were supposed to get this arrest report,
24 your Honor.

1 THE COURT: They have made attempts to get
2 it and they --

3 THE DEFENDANT: So it came up stolen.

4 THE COURT: Not stolen, sir.

5 THE DEFENDANT: It came up stolen.

6 These are professional people?

7 Come on.

8 THE COURT: They tendered to you what they
9 believe the police report is, a five page
10 document that they tendered to you before and
11 they are attempting to tender to you again
12 today. Also additional reports which you
13 refuse to accept.

14 I am not sure exactly what it is
15 that you are thinking of, but in an attempt to
16 try to figure that out you can file any further
17 motions you want.

18 THE DEFENDANT: Let me say this, please.

19 I have an old police arrest report
20 at my house. The next time I come to court I
21 am going to show you what I am talking about.

22 THE COURT: They have changed the format of
23 police reports, sir. Do you understand that,
24 sir?

1 THE DEFENDANT: When did they do this?

2 THE COURT: I am not sure what the date
3 is, but there is a different form of arrest
4 report that is filed now.

5 THE DEFENDANT: So they did this when I
6 went to preliminary hearing on February the
7 27th? That is when they did it because I
8 reviewed it.

9 THE COURT: All right, sir.

10 I am going to give the State a
11 date to do this, about two, three weeks to
12 subpoena the officers.

13 MS. HANSEN: Yes, I would ask for at least
14 three weeks, please.

15 THE COURT: How about June 1st? By
16 agreement to June 1st.

17 Okay. Thank you.

18 THE SHERIFF: Let's go. Right this way,
19 sir.

20 (Which were the proceedings
21 had in the above-entitled
22 cause, and the matter was
23 continued to June 1st,
24 2004.)

1 STATE OF ILLINOIS }
2 COUNTY OF C O O K } SS.

3

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
5 COUNTY DEPARTMENT - SECOND MUNICIPAL DISTRICT

6 I, KRISTA FLYNN BURGESSON,
7 Official Court Reporter of the Circuit Court
8 of Cook County, County Department - Second
9 Municipal District, do hereby certify that I
10 reported in shorthand the proceedings had of
11 the hearing in the aforementioned cause; that
12 I thereafter caused the foregoing to be
13 transcribed into typewriting, which I hereby
14 certify to be a true and accurate transcript
15 of the Report of Proceedings had before the
16 HONORABLE SHARON M. SULLIVAN, Judge of said
17 Court.

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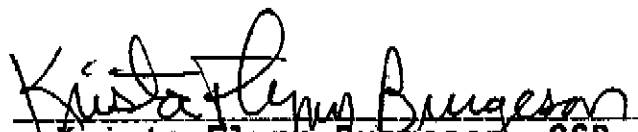
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24 Dated this 20th day of May, 2005.


Krista Flynn Burgess, CSR
Official Court Reporter
5600 Old Orchard Road, #204
Skokie, Illinois 60077
License No. 084-003162

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1 STATE OF ILLINOIS)
COUNTY OF COOK)
2

3 IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT-SECOND MUNICIPAL DISTRICT
4

5 PEOPLE OF THE STATE OF ILLINOIS,)
6 Plaintiff,)
7 vs.) 04-CR-05900
8 DWAYNE GRIFFIN,)
9 Defendant.)
10

11 REPORT OF PROCEEDINGS had in the hearing
of the above-entitled cause, had before the
12 Honorable SHARON SULLIVAN, had on June 1, 2004, in
Skokie, Illinois.
13

14 PRESENT:

15 MR. MARSHALL LIBERT,
Assistant State's Attorney,
16 appeared for the Plaintiff;

17 MR. DWAYNE GRIFFIN,
Defendant, pro se.
18
19
20

21 Janet Leahy
Official Court Reporter
847-818-2590
22 CSR #084-001872
23
24

1 THE CLERK: Dwayne Griffin.

2 THE COURT: You're Dwayne Griffin?

3 DEFENDANT GRIFFIN: Yes, ma'am.

4 THE COURT: You previously indicated you wish
5 to represent yourself, is that right?

6 DEFENDANT GRIFFIN: Yes, ma'am.

7 THE COURT: And do you still wish to represent
8 yourself?

9 DEFENDANT GRIFFIN: Yes, ma'am.

10 THE COURT: What's the status of this case?

11 MR. LIBERT: Judge, the defendant was
12 interested in some additional, like, handwritten
13 reports that he believed existed. I spoke with
14 Officer Blomstrand on the phone on Friday who is
15 involved with this case, also his partner who is
16 present here in court today. And they indicated
17 that there are no handwritten reports.

18 The reports the defendant has are all the
19 reports that are involved in this case.

20 THE COURT: It's his partner that is present?

21 MR. LIBERT: Yes.

22 State your name.

23 OFFICER PRILL: Officer Prill, P-r-i-l-l.

24 THE COURT: Mr. Griffin, you apparently have

1 all the reports that there are in the case, the
2 arrests reports.

3 DEFENDANT GRIFFIN: No, ma'am. I do not have
4 them. I filed the motion on it, your Honor. I'm
5 waiting on an answer from the State.

6 THE COURT: What motion are you talking about,
7 sir?

8 DEFENDANT GRIFFIN: The motion of charging
9 instruction. I filed it on the 4th.

10 THE COURT: Your demand for a copy of the
11 charging instrument?

12 DEFENDANT GRIFFIN: Yes, ma'am.

13 THE COURT: I'll have the clerk make a copy of
14 it.

15 Did you receive a copy of the charges? I
16 thought this was originally tendered to you. This
17 information is the charging document, sir. Did you
18 get a copy of that on a previous court date?

19 DEFENDANT GRIFFIN: Your Honor, yes, I have a
20 copy of that.

21 THE COURT: So then you've received that, sir.

22 So the record is clear, I'm referring to a
23 copy of the information charging you with one count
24 of burglary that was tendered to you on the date you

1 were arraigned, correct?

2 DEFENDANT GRIFFIN: Yes.

3 THE COURT: State, you've tendered all
4 discovery?

5 MR. LIBERT: I believe so.

6 THE COURT: Okay. And Mr. Griffin asked for
7 other things in his demand for a copy of the
8 charging instrument. State, if you want to go
9 through that on page two, he asks for the felony
10 complaint, etcetera, Grand Jury indictment. I
11 believe there's no Grand Jury indictment because
12 this is an information.

13 MR. LIBERT: Actually what we're going to be
14 doing is tendering all the police reports.

15 THE COURT: Do you want to address this on the
16 record?

17 MR. LIBERT: Right. I have a copy of that.
18 It's a demand for a copy of the charging
19 instrument. And I believe he has a copy of the
20 charging instrument, which is an information. The
21 felony complaint would be the information, unless
22 he's talking about the complaint from the municipal
23 file which is usually then superseded by a felony
24 complaint in the form of an information, but they

1 are usually the same. Because there was a
2 preliminary hearing, there are no Grand Jury
3 minutes. He has a copy of the arrest report.

4 I'm going to be tendering him reports
5 today which consist of five pages of arrest reports,
6 two pages of police reports, seven pages of his
7 Bureau of Identification criminal history, one-page
8 inventory report, a crime scene report, supplemental
9 reports in the form of two pages, a complaint for
10 prelim, the handwritten notes and GPR which are four
11 pages and two pages. I will give them to the
12 defendant here.

13 And then this is a receipt showing that
14 you have got it. So if you will sign it right here
15 and date it.

16 DEFENDANT GRIFFIN: Your Honor, I'm not signing
17 for this. This is not what I'm looking for.

18 THE COURT: Sir --

19 DEFENDANT GRIFFIN: That's not what I'm looking
20 for.

21 THE COURT: Sir, the State is tendering you
22 those documents.

23 DEFENDANT GRIFFIN: I'm not going to sign for
24 that.

1 THE COURT: Sir, I'm ordering to you to take
2 those documents.

3 DEFENDANT GRIFFIN: I'm not going to take
4 them.

5 THE COURT: I'm ordering you to take the
6 documents. You've told this Court you wish to
7 represent yourself.

8 DEFENDANT GRIFFIN: I'm not accepting that.

9 THE COURT: If you do not take the documents, I
10 I'm going to have you held in contempt of Court.

11 DEFENDANT GRIFFIN: Hold me in contempt. I'll
12 appeal it to the Appellate Court and the Supreme
13 Court.

14 THE COURT: Do you wish to represent yourself?

15 DEFENDANT GRIFFIN: Yes.

16 THE COURT: Okay. Then the State is tendering
17 you the documents on this case.

18 DEFENDANT GRIFFIN: I'm not going to accept it.
19 Hold me in contempt of Court.

20 THE COURT: All right, I'll hold you in
21 contempt of Court.

22 DEFENDANT GRIFFIN: Hold me then. I want the
23 one page --

24 THE COURT: Sir, you told this Court you wish

1 to represent yourself. The State has tried on --

2 DEFENDANT GRIFFIN: You ran into the wrong
3 person, and you're trying to get away with this; but
4 you're not going to get away with it. I want the
5 police report, the arrest report that they use on
6 the streets, the one that they had at the
7 preliminary hearing. That's the one I want.

8 THE COURT: I asked the State to bring the
9 officer into court.

10 Officer, come down here and raise your
11 right hand.

12 Have the officer sworn. State can put on
13 the record that they've complied with what was
14 requested.

15 Miss Clerk, swear the witness in, please.

16 (Witness duly sworn.)

17 OFFICER PRILL,
18 called as a witness herein, having been first duly
19 sworn, was examined and testified as follows:

20 DIRECT EXAMINATION

21 BY MR. LIBERT:

22 Q Officer, for the record, state your name
23 and spell your last name, indicating your star
24 number for the record.

1 A Officer Prill, P-r-i-l-l, star 1577.

2 Q What district are you assigned to?

3 A At that time, the 14th District.

4 Q In the 14th District, do you use or

5 generate a single page arrest report?

6 A On computer, yes.

7 Q How many pages -- I'm going to show you

8 what I'm marking as People's Exhibit No. 1 for

9 identification and ask you if you recognize that

10 report?

11 A Yes.

12 Q How many pages is that?

13 A Four pages.

14 Q And what does that report purport to be?

15 A This is the arrest report we generate at

16 the station.

17 Q And is that what is the actual arrest

18 report?

19 A Yes.

20 Q And who is that arrest report for?

21 A It's for the defendant, Dwayne Griffin.

22 Q It's not a single page handwritten report,

23 is that correct?

24 A That's correct.

1 Q Is it now the policy of the Chicago Police
2 Department not to use the single page handwritten
3 arrest report?

4 A Certain districts are going to automated.

5 Q And in your district?

6 A We are automated.

7 Q And were you automated at the time that
8 the defendant, Mr. Griffin, was arrested?

9 A Yes.

10 MR. LIBERT: I don't have any further
11 questions.

12 THE COURT: Do you want to cross examine him?

13 DEFENDANT GRIFFIN: Yes, please.

14 CROSS EXAMINATION

15 BY DEFENDANT GRIFFIN:

16 Q Officer, could you do me a favor. See
17 these papers here, look through those and pick the
18 one --

19 THE COURT: What are you tendering?

20 DEFENDANT GRIFFIN: The arrest reports you've
21 all given me.

22 Q The one you used on the street, pick it
23 out.

24 A We don't use arrest reports on the

1 streets.

2 Q You don't?

3 A No. We do the arrest report in the
4 station.

5 Q Oh, my God. When did they start that?
6 The joke is on me. When did they start that?

7 A In our district?

8 Q And you're under oath, sir. Would
9 you -- wait until we get before a Federal Judge.

10 MR. LIBERT: Judge, I object to that. Ask it
11 be stricken.

12 THE COURT: Mr. Griffin, do you have any other
13 questions for this witness?

14 DEFENDANT GRIFFIN: I'm waiting for the arrest
15 report that they use on the streets.

16 THE COURT: Let the record reflect that you
17 tendered the discovery that the State tendered to
18 you.

19 DEFENDANT GRIFFIN: I'm not accepting that.

20 THE COURT: And the witness just tendered back
21 to you.

22 DEFENDANT GRIFFIN: I'm not signing for that.

23 MR. LIBERT: I tendered discovery. If you want
24 to take it --

1 DEFENDANT GRIFFIN: I'm not going to accept
2 that.

3 MR. LIBERT: I asked him to sign the receipt.
4 He refused to sign the receipt for the reports, the
5 reports that I enumerated before, which consisted of
6 the arrest report which is five pages and two pages
7 of handwritten police reports which would be the
8 general offense case report, and then whatever
9 supplementary reports, and the defendant's criminal
10 history, of course. And he's refused to accept
11 those.

12 THE COURT: Mr. Griffin, you have no other
13 questions of the officer who is present here?

14 DEFENDANT GRIFFIN: No. I just want that
15 arrest report that he used on the streets, your
16 Honor. That's the one that was at preliminary
17 hearing.

18 THE COURT: Did you have another copy of the
19 arrest report at preliminary hearing?

20 DEFENDANT GRIFFIN: He did not attend the
21 preliminary --

22 THE COURT: Who was at the preliminary hearing?

23 MR. LIBERT: That would be the only arrest
24 report we would have. The officer wasn't at the

1 preliminary --

2 DEFENDANT GRIFFIN: The officer was not at
3 preliminary hearing. There was no officer. Ooops.

4 MR. LIBERT: No, the witness to the offense.

5 DEFENDANT GRIFFIN: No officer gave any
6 statements.

7 THE COURT: It was a civilian witness?

8 MR. LIBERT: Yes, a civilian.

9 THE COURT: Okay. And you know of no other
10 arrest report other than that which has been
11 tendered?

12 OFFICER PILLAR: That's the only arrest
13 report.

14 THE COURT: Thank you. I appreciate you coming
15 in to court.

16 Mr. Griffin, we're ready to set this case
17 down for trial. Do you anticipate filing any
18 motions of --

19 DEFENDANT GRIFFIN: I'm not going to trial
20 without the arrest report.

21 THE COURT: You're asking for something that
22 doesn't exist.

23 DEFENDANT GRIFFIN: Well, get the Public
24 Defender. The Public Defender can represent me.

1 Get the Public Defender. I bet you the Public
2 Defender is not going to go to trial without that
3 arrest report.

4 THE COURT: Mr. Griffin, we're going to do
5 things in an orderly fashion, sir.

6 DEFENDANT GRIFFIN: Let's do it in an orderly
7 fashion.

8 THE COURT: And if you keep talking back to the
9 Court, sir...

10 Do you want me to appoint the Public
11 Defender to represent you?

12 DEFENDANT GRIFFIN: Nope. I want the arrest
13 report. I'm going pro se.

14 THE COURT: There is no arrest report, sir,
15 other than what you've been tendered.

16 DEFENDANT GRIFFIN: I'm not going to trial like
17 that.

18 THE COURT: I'm going to hold the case over
19 until tomorrow. We will bring you back tomorrow,
20 June 2nd.

21 DEFENDANT GRIFFIN: Okay.

22 MR. LIBERT: Motion defendant.

23 THE COURT: Motion defendant, 6-2.

24

1 (Whereupon, the above-entitled cause
2 was continued to June 2, 2004.)
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)

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IN THE CIRCUIT COURT OF COOK COUNTY,
MUNICIPAL DEPARTMENT - SECOND MUNICIPAL DISTRICT

I, Janet Leahy, Official Court Reporter of
the Circuit Court of Cook County, Municipal
Department, Second Municipal District, do hereby
certify that I reported in shorthand the proceedings
had on the hearing in the aforementioned cause; that
I thereafter caused the foregoing to be transcribed
into typewriting, which I hereby certify to be a
true and accurate transcript of the report of
proceedings had.

Janet Leahy

Official Court Reporter

1

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People vs. Dwayne Griffin

04-CR-05900

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1 STATE OF ILLINOIS)

2 COUNTY OF COOK)

3

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IN THE CIRCUIT COURT OF COOK COUNTY,

5

MUNICIPAL DEPARTMENT-SECOND MUNICIPAL DISTRICT

6

7 PEOPLE OF THE STATE)
8 OF ILLINOIS,)

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Plaintiff,)

10

vs.)

04-CR-5900

11

DWAYNE GRIFFIN,)

12

Defendant.)

13

14

REPORT OF PROCEEDINGS had in the
above-entitled cause, had before the Honorable
SHARON SULLIVAN, Judge of said Court, had on the 2nd
day of June, 2004, in Skokie, Illinois.

15

16

APPEARANCES:

17

MR. MARSHALL LIBERT,
Assistant State's Attorney,
appeared for the People;

18

19

MS. ANN DURAN,
MR. BRUCE MOSBAUCHER,
Assistant Public Defenders,
appeared for Defendant Griffin.

20

21

22

Janet L. Leahy
Official Court Reporter
847-818-2590
CSR #084-001872

23

24

1 THE CLERK: Dwayne Griffin.

2 THE COURT: Okay. For the record, you're
3 Dwayne Griffin?

4 DEFENDANT GRIFFIN: Yes, ma'am.

5 THE COURT: Mr. Griffin, yesterday the State
6 tried to give you the discovery in the case and you
7 refused to take it. So let me ask the State to try
8 to tender discovery again today.

9 MR. LIBERT: Judge, what we have for
10 Mr. Griffin is all the police reports that are
11 pertinent to his case which consists of an arrest
12 report that consists of five pages, two pages of
13 general offense case reports, defendant's criminal
14 history which consists of seven pages, one-page
15 inventory sheet, crime scene report that consists of
16 one page, two pages of supplemental reports,
17 one-page complaint for preliminary hearing, four
18 pages of handwritten notes, and two pages of what
19 are called general progress reports.

20 At this time, I'm going to attempt to
21 tender that to the defendant and ask if he would
22 acknowledge receipt. I also have a handwritten
23 receipt for Mr. Griffin if he would acknowledge and
24 sign for it.

1 THE COURT: Okay. The record will reflect
2 Mr. Griffin is looking at these records at this
3 time. Those are your copies of those records, sir,
4 since you are representing yourself.

5 Sir, do you anticipate filing any motions
6 on this case?

7 MR. LIBERT: Judge, I want to find out if he
8 accepts --

9 DEFENDANT GRIFFIN: No, I will not accept
10 this. I'm looking for the arrest report.

11 MR. LIBERT: Judge, could the record reflect
12 that again I have attempted to tender copies of all
13 discovery that's in the State's possession which
14 does consist of an arrest report, which is a
15 computer generated report, which is the way they do
16 it now, which consists of five pages.

17 And that the defendant, on the record,
18 Mr. Griffin, you're refusing to accept these?

19 DEFENDANT GRIFFIN: Okay. I'll appeal it to
20 the Appellate Court.

21 THE COURT: Are you refusing to accept this?

22 DEFENDANT GRIFFIN: Yes, I'm refusing to accept
23 it. I want the arrest report.

24 THE COURT: Mr. Griffin, just so you know we

1 went through yesterday --

2 DEFENDANT GRIFFIN: All right. Okay. I'll
3 tell it to the Appellate Court.

4 THE COURT: These are the records that the
5 State is producing. They would be tendered to your
6 attorney. You've chosen to represent yourself.
7 They are being tendered to you. They are here for
8 you to receive.

9 DEFENDANT GRIFFIN: I'm not accepting them.

10 THE COURT: Okay. Well, then that's your
11 decision.

12 DEFENDANT GRIFFIN: Okay. I'll appeal it to
13 the Appellate Court.

14 THE COURT: That's fine. You can do that at
15 the appropriate time.

16 DEFENDANT GRIFFIN: Okay.

17 THE COURT: Sir, do you anticipate filing any
18 other motions?

19 DEFENDANT GRIFFIN: I'm ready -- I want the
20 police report.

21 THE COURT: Sir --

22 DEFENDANT GRIFFIN: That ain't hard to get, is
23 it?

24 THE COURT: Sir, you have the police report.

1 DEFENDANT GRIFFIN: Your Honor --

2 THE COURT: There's -- I don't know if you've
3 been arrested before, sir, but in the old days they
4 used to do a handwritten police report. In this
5 case, they did a computer generated police report.
6 And that's what was testified to yesterday by the
7 officer who was here who was sworn in open court.
8 That's what he testified to, sir. You heard it.
9 You were present. You were given an opportunity to
10 ask him questions.

11 DEFENDANT GRIFFIN: Yeah.

12 THE COURT: So that's the only report that
13 there is. If you believe that there's something
14 else somewhere, you can certainly pursue that
15 through the appropriate discovery means.

16 DEFENDANT GRIFFIN: Oh, boy, boy. I'm ready to
17 appeal it to the Appellate Court. I'm not going
18 pro se like this. No.

19 THE COURT: Then I'm going to pass it.

20 DEFENDANT GRIFFIN: Give me a Public Defender.

21 THE COURT: I'll have you talk to the Public
22 Defender.

23 DEFENDANT GRIFFIN: Okay, yeah. Let me see
24 the Public Defender represent me without the arrest

1 report. Come on, Public Defender, represent me
2 without the arrest report.

3 (Whereupon, the Court heard other
4 matters and then recalled the
5 above-entitled cause.)

6 THE CLERK: Dwayne Griffin.

7 MS. BURAN: Judge, I'm unclear if we're
8 representing him, so I would really ask that that be
9 clarified.

10 MR. MOSBACHER: As an officer of the Court, I
11 think he should be BCX'd, very inappropriate,
12 giggling, laughing. I just stepped up because my
13 office asked me.

14 MS. BURAN: Judge, Ann Buran, Assistant Public
15 Defender, currently stepping up in front of the
16 Court on behalf of Mr. Griffin. And at this time, I
17 would ask to be clarified if my office is officially
18 on this case. I'm not sure from discussing it with
19 Mr. Griffin.

20 THE COURT: Mr. Griffin, you asked me to
21 appoint the Public Defender, is that correct?

22 DEFENDANT GRIFFIN: Yes.

23 THE COURT: Okay. I will appoint the Public
24 Defender. Discovery is tendered to Miss Buran on

1 your behalf.

2 MS. BURAN: Judge, is there a charging document
3 or a preliminary hearing?

4 THE COURT: Yes.

5 MR. LIBERT: Judge, for the record, the
6 discovery that I attempted to give to the defendant,
7 Mr. Griffin, I am now tendering to Miss Buran on the
8 defendant's behalf, consisting of all the documents
9 I previously enumerated. And she has signed and
10 returned the discovery receipt.

11 MS. BURAN: The only problem I now have, since
12 we're on the case, this is redacted. So I'm going
13 to need something that is not redacted.

14 THE COURT: The State will make another copy.

15 MS. BURAN: Thank you. Is there a preliminary
16 hearing on this? Is there a copy?

17 MR. LIBERT: Hold on.

18 THE COURT: It's not in the file if there
19 was. Do you have a copy?

20 MR. LIBERT: I do, yes.

21 MS. BURAN: Can you tell me the date it was
22 held?

23 MR. LIBERT: It was held on February 27, 2004.

24 THE COURT: Defendant was probably given the

1 other copy, so we'll make a copy for you.

2 MS. BURAN: I can order it.

3 MR. LIBERT: Judge Winicki.

4 THE COURT: We will get another copy for you.

5 MS. BURAN: Judge, also at this time, I'm going
6 to request a second referral and a BCX order. And
7 I'm going to pull up the form and specifically
8 request that it be done by psychiatrist.

9 MR. LIBERT: All that's redacted is addresses.
10 For purposes of Clinical Services, what
11 you have should be fine. But I'll get you another
12 copy.

13 MS. BURAN: Okay. Fine, thank you. And I
14 believe Clinical Services should have this, but I
15 will recopy it and put it in the file.

16 I would also ask for the date of July
17 14th.

18 THE COURT: Okay. July 14th, by agreement, BCX
19 will be reordered.

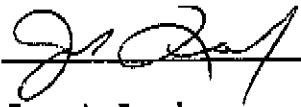
20 (Whereupon, the above-entitled cause was
21 continued to July 14, 2004.)
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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)
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6 IN THE CIRCUIT COURT OF COOK COUNTY,
7 MUNICIPAL DEPARTMENT - SECOND MUNICIPAL DISTRICT
8

9 I, Janet Leahy, Official Court Reporter of
10 the Circuit Court of Cook County, Municipal
11 Department, Second Municipal District, do hereby
12 certify that I reported in shorthand the proceedings
13 had on the hearing in the aforementioned cause; that
14 I thereafter caused the foregoing to be transcribed
15 into typewriting, which I hereby certify to be a
16 true and accurate transcript of the report of
17 proceedings had.

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Janet Leahy

Official Court Reporter